

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A COMPLAINT**

I, REYNALDO ALATORRE, JR., being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since July 2001. Prior to my employment with the ATF, I was employed as a Border Patrol Agent for approximately four years. As a result of my training and experience, I am familiar with firearms and with Federal Firearms Laws, including Title 26 offenses concerning destructive devices. I have also discussed this investigation with other ATF Special Agents with specialized experience in Destructive Devices (explosive device(s)) and Destructive Device investigations.

2. This affidavit is intended to show only that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter. The investigation described below is at its preliminary stages and facts continue to develop. I responded to the scene on March 2, 2018 as well as the scene of the second explosive device on March 12, 2018. I also responded to the scene on March 18, 2018. I am relying on my observations of the scenes as well as the facts and information gathered from other law enforcement described below. All facts are relayed in sum and substance.

3. As a result of my training, my experience relating to these statutes, and the experience of senior Special Agents and investigators, I believe that there is probable cause that Mark Conditt committed the following offenses:

Title 26 United States Code § 5861: It is unlawful for any person to possess a firearm (defined as including a Destructive Device) that is required to be registered with the National Firearms Registration and Transfer Record and is not so registered or to transfer a firearm (including a Destructive Device) to a person to whom the firearm is not registered.

PROBABLE CAUSE

4. Your Affiant is familiar with the information contained in this affidavit, either through personal investigation or through reports and discussion with other law enforcement officers, who have participated in and have contributed their investigative efforts in this matter.

5. On March 2, 2018, at approximately 6:55 am, at 1112 Haverford Drive, Austin, Texas 78753 in the Western District of Texas, an explosion occurred on the front porch of the single story brick residence, resulting in the death of Anthony S. House. Analysis of this explosive device by the ATF lab determined that the powder found inside the device was [REDACTED] powder.

6. On March 12, 2018 at approximately 6:44 am at 4806 Oldfort Hill Drive, Austin, Texas 78723 in the Western District of Texas, an explosion occurred inside the residence, resulting in the death of a 17-year old victim and injuries to an additional victim. Preliminary analysis of the explosive device revealed that it utilized [REDACTED] as part of the triggering mechanism.

7. On March 12, 2018 at approximately 11:50 am at 6706 Galindo Street, Austin, Texas 78741 in the Western District of Texas, an explosion occurred outside of the residence,

sending one person to the hospital with injuries. Based on communications from the victim, the package containing the explosive device may have had the address "6705 Galindo" written on it. Preliminary analysis of the explosive device revealed that it utilized [REDACTED] as part of the triggering mechanism.

8. On March 18, 2018, sometime before 9:00 pm, an explosion occurred near the block of 4800 Dawn Song Drive and 4721 Eagle Feather Drive, located in the neighborhood of Travis Country, Travis County, Texas—a location within the Western District of Texas. Two individuals were injured. A witness was interviewed who resided in the area of the explosion. [REDACTED] stated that when [REDACTED] returned to [REDACTED] home at approximately 8:25 pm [REDACTED] saw a "Drive Like Your Kids Live Here" yard sign with red backing and white letters that had not been present when [REDACTED] left her home. Preliminary analysis of the explosive device revealed that it utilized a [REDACTED] as part of the triggering mechanism. I believe, based on interviews with the witness and the preliminary analysis of the scene, that the sign was utilized to facilitate the concealment of the explosive device.

9. On March 20, 2018, at approximately 12:45 am, at the FedEx processing center in Schertz, Texas, a package in FedEx custody exploded. At approximately 7:00 am on March 20, 2018, a package was located at the FedEx facility located near the Austin, Texas airport at 4117 McKinney Falls Pkwy. The package was addressed to [REDACTED] located in Austin, Texas. That package was x-rayed and an explosive device was found inside. Law enforcement was able to render the device safe. Preliminary analysis of the device revealed that it consisted of a PVC pipe casing with a metal pipe inside surrounded by shrapnel. The device utilized [REDACTED] trigger. The trigger was designed to ignite the device creating an explosion when a flap of the package was opened.

10. Information from FedEx revealed that both packages discovered on March 20, 2018 were sent by the same individual at a FedEx location in Austin, Texas on Brodie Ln on March 18, 2018. Video footage was recovered from the FedEx and revealed that a single white male individual shipped both packages. He was wearing gloves and a hat in the store. He paid in cash. It appeared that he was wearing a wig. The FedEx clerk was interviewed by law enforcement who dealt with the customer who sent the packages. The clerk stated that the customer was in his mid 20s, was wearing gloves, had a pasty white complexion, was wearing a green shirt and blue jeans, and was wearing a hat and a wig. When the customer left, the clerk saw him get into a red truck. The clerk was shown a stock photograph of a 2002 red Ford pickup truck and the clerk said it was consistent with the vehicle that the customer got into. A [REDACTED] store in the same shopping center as the FedEx had exterior cameras that showed a red pickup truck with extended cab similar in appearance to a Ford Ranger in the parking lot approximately 10 minutes prior to the time the customer was in the FedEx.

11. The investigation is continuing for all of these incidents and this information continues to develop as the investigation continues, but law enforcement believes these explosions were likely caused by Destructive Devices. Law enforcement has assessed that the explosive devices shared commonalities, such as the delivery method, contents of the explosive device, and the manner of detonation. All six explosive devices used shrapnel. Law enforcement believes all six devices are linked.

12. Multiple other individuals were investigated for potential links to these Destructive Devices. None of those persons were deemed likely to be involved. Our investigation is ongoing.

13. On or about February 27, 2018, a customer purchased several items at Frye's

Electronics store located at 12707 N MOPAC Expressway, Austin, TX 78727. The items included five [REDACTED] Battery Holder With Snap Connector. Preliminary analysis of the explosive devices revealed that all six explosive devices utilized a [REDACTED] Battery Holder With Snap Connector. The customer utilized a U.S. Bank credit card issued to Mark Conditt, who according to Texas Department of Public Safety driver's license records, resides at 403 2nd Street N, Pflugerville, TX 78660. Conditt has a 2002 Red Ford Ranger with an extended cab registered to him. Video footage recovered from Frye's showed that the customer looked to be Mark Conditt.

14. On or about March 13, 2018, at approximately 6:30 pm a red truck arrived at a Home Depot in Round Rock, Texas. A white male walked into the store and purchased several signs, including a "Drive Like Your Kids Live Here" sign consistent with the sign the witness reported seeing related to the March 18, 2018 explosion. Also, the person purchased a 6 pack of work gloves consistent with the gloves seen in the FedEx video from March 18, 2018. The white male seen on Home Depot video footage is similar in appearance to a photograph I have viewed of Mark Conditt. That customer paid with cash.

15. A Confidential Source (CS1)¹ with multiple contacts with Mark Conditt was interviewed on March 20, 2018. CS1 was shown a single photo of Mark Conditt and [REDACTED] identified the photograph to be Mark Conditt. CS1 was then shown the Home Depot video footage from March 13, 2018, discussed in detail above. CS1 told law enforcement that the photograph looked like Mark Conditt when asked how confident he/she was, CS1 said he/she was "98%" confident that the customer in the Home Depot footage was Mark Conditt. CS1 was shown the [REDACTED] footage of the red pickup truck, discussed above, and told law enforcement

¹ There is no criminal history for CS1.

that the truck looks like Conditt's truck. When asked how confident he/she was, CS1 replied "70%."

16. According to Facebook pages viewed by other agents, [REDACTED] "liked" the [REDACTED] Facebook page—the same [REDACTED] where the explosive device discussed above was addressed to.

17. Law enforcement took [REDACTED] photographs of 403 2nd Street N, Pflugerville, Texas on March 20, 2018. Law enforcement also conducted physical surveillance of the address. A red 2002 Ford Ranger pickup truck was observed at the home. The [REDACTED] footage revealed multiple items in the bed of the pickup truck. I have seen the [REDACTED] exterior camera footage of the red pickup truck and I believe that the items in the bed of the truck in that footage are consistent with the items captured in the [REDACTED] photographs of the truck at 403 2nd Street N, discussed above.

18. Information from social media revealed that Mark Conditt was utilizing a cellular telephone with number [REDACTED]. Records revealed that [REDACTED] is registered to Mark Conditt's father. Cellular data for [REDACTED] showed that there was no call activity on the number during the following dates and times: March 12, 2018 from midnight until approximately 8:13 pm; on March 13, 2018, from 4:16 pm until March 14, 2018 at 9:06 am; on March 18, 2018 from 4:32 pm until March 19, 2018 at 8:41 am. Therefore, there is no currently available data placing the phone utilizing number [REDACTED] at either at the scene of the explosions or at Home Depot—nor is their data placing the phone utilizing number [REDACTED] at locations other than the scene of the explosions or Home Depot. Phone call records for [REDACTED] show that between March 12, 2018 and March 20, 2018 the phone utilizing number [REDACTED] made calls to a garage door company—preliminary analysis of the explosive devices

revealed that wiring utilized in the device was consistent with wiring used on [REDACTED]
[REDACTED]

19. The Government has not found any information of a registered Destructive Device for any of the victims of these Destructive Devices or locations of the explosions, making the possession or transfer to them unlawful. ATF conducted a query on March 20, 2018 and confirmed that Mark Conditt does not have a registered Destructive Device in his name nor is one registered to his address; his possession of a Destructive Device would therefore be unlawful.

20. The address of Mark Conditt on his driver's license and vehicle registration differ between 402 N 2nd St and 402 2nd Street N. Investigators have determined that they are the same location.

21. In my training and experience and that of other experienced ATF agents with expertise in Destructive Device making and explosives, I know and have learned that Destructive Device manufacturers often research their targets using the internet and electronic means. Destructive Device-makers often research methods of constructing Destructive Devices, as well as information related to motive for using explosives, using the internet and other electronic devices. Furthermore, I have learned that in this case there is some evidence that Mark Conditt has used the internet to look up the FedEx location where two of the devices were mailed from, as described above. Additionally, I know that electronic devices often contain records of location and that information would be relevant evidence in this case.

22. Based on my training and experience, I know that anyone who manufactures or deals in explosives must be licensed by ATF to do so, and that the storage of explosives in a residence or vehicle is in violation of licensing and storage requirements defined by law.

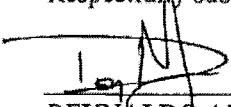
Furthermore, I know that due to the volatile nature of explosive materials, their improper manufacture and storage poses an extreme danger to the individual/dealer, as well as nearby residents and their property. Finally, there have been numerous documented instances of similar clandestine unlawful explosive operations in buildings wherein there have been fatalities and substantial property damage.

23. ATF Explosives Enforcement Officer [REDACTED] examined the evidence recovered from the first device recovered on March 2, 2018 and confirmed it to be a Destructive Device.

24. Your Affiant knows through his training and experience that per the National Firearms Act of 1934 destructive devices are required to be registered in the National Firearms Registration and Transfer Record.

25. Based on the above, I respectfully submit that there is probable cause to believe that Mark Conditt violated Title 26, United States Code, Section 5861.

Respectfully submitted,


REYNALDO ALATORRE, JR.
Special Agent
ATF

Subscribed and sworn to before me
on March 20, 2018:


HON. MARK LANE
UNITED STATES MAGISTRATE JUDGE